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| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number   | 09/932,666             |            |
|   | Filing Date          | August 17, 2001        |            |
|   | First Named Inventor | Dent, Paul W.          |            |
|   | Group Art Unit       | 2645                   |            |
|   | Examiner Name        | Elahee, MD S           |            |
| Total Number of Pages in This Submission  | 4                    | Attorney Docket Number | P14657-384 |

**ENCLOSURES (check all that apply)**

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Remarks

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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|                               |                                       |  |  |
|-------------------------------|---------------------------------------|--|--|
| Firm<br>or<br>Individual Name | GREGORY STEPHENS<br>MOORE & VAN ALLEN |  |  |
| Signature                     | <i>Gregory Steph</i>                  |  |  |
| Date                          | MAY 3, 2004                           |  |  |

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| Typed or printed name | Patricia L Pontello        |      |             |
| Signature             | <i>Patricia L Pontello</i> | Date | May 3, 2004 |

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Paul W. Dent )  
Serial No.: 09/932,666 )  
Filed: August 17, 2001 ) Confirmation No. 5094  
Group Art Unit: 2645 )  
Examiner: Elahee, MD S )  
Title: SYSTEM AND METHOD FOR )  
DETERMINING SHORT RANGE DISTANCES )  
BETWEEN RF EQUIPPED DEVICES )

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RESPONSE TO OFFICE ACTION

Sir or Madam:

In response to the Office action of February 13, 2004, applicant sets forth the following remarks.

REMARKS

The Examiner has cited U.S. Pat. No. 4,313,183 pursuant to 35 USC 102(b) as anticipating claims 1, 2, 4, 6, 7, 9 and 10 of the present invention.

*ingtel*  
The '183 patent is addressed to a better more precise method of determining the distance between the transmission point and reception point of an acoustic signal using the transit time of the acoustic signal between the two points. To accomplish its stated goal (col. 2, Ins. 32-44), the '183 patent uses a very precise and specific FSK acoustic signal and encoding scheme. It further uses circuitry to compensate for and take into account processing time that occurs in the transmitter and receiver stations. The RF signal representative of the FSK signal that is transmitted from station 1 to station 2 is not used by the '183 patent for distance calculation purposes per se. Rather, it is used by the '183 patent as a data verification signal to detect and confirm that the proper FSK acoustic signal has been received. (see, col. 3, Ins. 35-44). In fact, the '183 patent explicitly states that "*the transit time of the electromagnetic radio waves (RF signal) is so short compared to the times being measured that it is negligible.*" (col. 3, Ins. 33-35) By characterizing the RF transit time as negligible, the '183 patent clearly teaches that it